

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS MERCEDES,

Plaintiff,

-v-

THE BAY CORPORATION,

Defendant.

23-CV-8263 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant was served on October 10, 2023. (*See* ECF No. 5.) However, no appearance has been entered on Defendant's behalf, and no response to the complaint has been filed in the allotted time. Plaintiff has not moved for a default judgment.

On November 7, 2023, Plaintiff filed a Proposed Clerk's Certificate of Default. (*See* ECF No. 6.) The Clerk issued a Certificate of Default on November 7, 2023. (*See* ECF No. 8.) To date, Plaintiff has not filed a motion for default judgment. Plaintiff is directed to notify the Court whether it intends to move for default judgment, or if it has received any communication from Defendant or its counsel regarding a response to the complaint.

If Plaintiff fails by December 19, 2023, to either (1) file a letter concerning the status of the case, or (2) move for default judgment against Defendant, the action may be dismissed for failure to prosecute.

Plaintiff is directed to serve a copy of this order by mail on Defendant.

SO ORDERED.

Dated: December 4, 2023
New York, New York


J. PAUL OETKEN
United States District Judge